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March 20, 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte Submission

Mr. William Caton, Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B-204
Washington, D.C. 20554

Re: Joint Application by BellSouth Corporation, et al., for Provision of In-
Region, InterLATA Services in Georgia and Louisiana,
CC Docket No. 02-35

Dear Mr. Caton:

At the request of the Common Carrier Bureau, BellSouth submits this letter to respond to the Comments in Opposition of Nextel Communications, Inc. ("Nextel Opp. Comments") and the Comments in Opposition of Triton PCS License Company, L.L.C. ("Triton Opp. Comments"), both filed in this docket on March 4, 2002.

Nextel and Triton are Commercial Mobile Radio Service ("CMRS") providers. They raise an issue that arises when they obtain NXX codes for numbers that are routed within a BellSouth service area in Georgia and Louisiana but have "rating points" – the points used to determine rates – that are outside the BellSouth local calling areas where they choose to interconnect and in an area where an independent company is the ILEC. For their own reasons, in at least some cases Nextel and Triton have chosen not to interconnect directly with that independent ILEC. Accordingly, they seek to route traffic to and from the independent ILEC through BellSouth's facilities and service area, but without appropriately compensating BellSouth or the independent ILEC for the costs incurred in the carriage of this traffic. Various forms of intercarrier compensation, including reciprocal compensation, access charges, and intercompany settlements, should apply to this traffic, but either are not paid or are paid incorrectly because of the

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inappropriate NXX rating assignment used by the CMRS providers in the Local Exchange Routing Guide (“LERG”).¹

An example may make this point clear. Consider a case where a wireline end user in an independent ILEC’s local calling area makes a call to a Nextel customer with an NXX assigned, for rating purposes, to that same independent ILEC exchange. Because Nextel does not interconnect directly with that independent ILEC, the call would be routed from the independent’s facilities through BellSouth’s facilities in the BellSouth service area and on to Nextel’s MTSO (again in BellSouth’s service area) for delivery to the Nextel wireless customer. Nextel thus would be using BellSouth’s facilities and routing the call outside of the independent ILEC exchange. Accordingly, if Nextel had assigned the NXX a rating point consistent with that routing, BellSouth would normally be entitled to access charges. However, because the rating point assigned to the called party’s NXX is in the same exchange as the NXX for the calling party, the call appears to be local. In such a circumstance, BellSouth currently has no method of receiving appropriate compensation associated with the carriage of this traffic. It is these kinds of failures to compensate BellSouth for the use of its network to which BellSouth objects. Alternatively, a CMRS provider can interconnect with the independent ILEC and avoid the routing through BellSouth’s network in these situations. BellSouth is also concerned that the CMRS providers’ use of these “virtual NXX” designations may be inconsistent with limitations contained in BellSouth’s tariffs.²

Nextel and Triton cannot explain why they should not compensate BellSouth for the costs that they cause BellSouth to incur in transporting this traffic. On the contrary, Triton has addressed similar issues in the Commission’s pending *Intercarrier Compensation* proceeding (discussed further below),³ and stated that “Triton has no objection, of course, to paying the actual costs incurred to transport traffic over a transiting LEC’s facilities to an indirectly interconnected ILEC. Triton, like any other carrier, should pay for the transport service it receives.” Comments of Triton PCS

¹ BellSouth is unaware of any actual dispute with a CMRS carrier over NXX rating points in Georgia or Louisiana, though there are such disputes in South Carolina and Florida.

² See BellSouth General Subscriber Service Tariff for Georgia, § A35.1.1(O)(6) (Att. B hereto) (requiring NXXs rated for a local exchange “different than the exchange where the BellSouth CMRS . . . interconnection exists” to be in “a company [*i.e.*, BellSouth] exchange”), at <http://cpr.bellsouth.com/pdf/ga/a035.pdf>; BellSouth General Subscriber Services Tariff for Louisiana, § A35.1.1(M)(5) (Att. C hereto) (same), at <http://cpr.bellsouth.com/pdf/la/a035.pdf>.

³ See Notice of Proposed Rulemaking, *Developing a Unified Intercarrier Compensation Regime*, 16 FCC Rcd, ¶ 112 (2001) (“*Intercarrier Compensation NPRM*”).

License Company, L.L.C., at 14, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, at 14 (FCC filed Aug. 21, 2001). Instead, they appear to claim that BellSouth refuses to route their calls as directed or to allow them to use the NXX codes they desire, thus allegedly violating BellSouth's interconnection and numbering obligations under section 271.

In fact, however, as BellSouth has recently clarified in a carrier notification letter, BellSouth is not refusing to route calls or to permit NXX number assignments. *See* Carrier Notification Letters SN91082947 & SN91082844, from Jim Brinkley, Senior Director, BellSouth Interconnection Services, to all Telecommunications Carriers Operating in BellSouth Telecommunications Inc. Service Areas (Mar. 20, 2000) (Att. A hereto). Indeed, BellSouth has never failed to do either of those things for Nextel or Triton in Georgia or Louisiana. Rather, BellSouth's position is that, if these CMRS providers do not interconnect directly with the independent ILECs and insist that BellSouth arrange for the transmission of these local calls within the independent ILECs' calling area, then BellSouth should be compensated for the costs that it incurs and the parties should ensure that the CMRS providers' requests are not inconsistent with BellSouth's tariffs. Accordingly, while BellSouth will still carry traffic and recognize NXX assignments, when it becomes aware of instances where CMRS providers seek to require BellSouth to route traffic in a manner inconsistent with its rating points, BellSouth will seek a declaratory ruling on the matter from the Georgia and/or Louisiana Public Service Commission, as appropriate. *See id.* Indeed, because BellSouth is already aware of such concerns in Florida and South Carolina, BellSouth will soon file petitions for declaratory rulings with the state commissions in those states. Those petitions should place this dispute before the correct forums for resolving such discrete intercarrier issues that involve, among other things, the interpretation of state tariffs.

Properly understood, therefore, this dispute is about intercarrier compensation and state tariffs; it does not involve a refusal to interconnect or to adhere to numbering requirements. It is thus very similar to issues that the Commission has seen before and has properly concluded pose no obstacle to section 271 approval. For instance, with regard to an ILEC's obligation to "provide for a single *physical* point of interconnection per LATA," the Commission has held that the existence of physical interconnection satisfies section 271 and that the financial consequences of a carrier's unilateral interconnection choices should be addressed elsewhere. *Pennsylvania Order* ¶ 100.⁴ The

⁴ Memorandum Opinion and Order, *Application of Verizon Pennsylvania Inc., et al. for Authorization To Provide In-Region, InterLATA Services in Pennsylvania*, 16 FCC Rcd 17419 (2001). Nextel and Triton claim that BellSouth fails to provide a single physical point of interconnection within a LATA "by requiring [them] to interconnect directly with numerous smaller and rural ILECs." Nextel Opp. Comments at 5; *see also* Triton Opp. Comments at 4. But the Commission's single-point-of-interconnection requirement does not apply to interconnection with *other* carriers, *i.e.*, it does not require a single point of interconnection with *all* ILECs that happen to serve a given LATA.

Commission noted that the single-point-of-interconnection issue was being addressed in a separate rulemaking, *see Pennsylvania Order* ¶ 100, where the Commission has acknowledged that a carrier's unilateral interconnection choices might justify making it "pay the ILEC transport costs to compensate the ILEC for the greater transport burden it bears," *Intercarrier Compensation NPRM* ¶ 112. Moreover, in that same NPRM, the Commission invited comment on LEC-CMRS intercarrier compensation, *see id.* ¶¶ 90-96, and both Nextel and Triton (among others) have joined issue in that proceeding on questions raised by virtual NXX assignments.⁵

Accordingly, issues closely related to this one are currently pending in another Commission docket, and that is where they should be resolved.⁶ But, even if this issue

Rather, that requirement only "gives competing carriers the right to deliver traffic terminating on an incumbent LEC's network" – but not traffic terminating on another ILEC's network or on a CMRS network. Memorandum Opinion and Order, *Application by SBC Communications Inc., et al., Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas*, 15 FCC Rcd 18354, ¶ 78 (2000) ("*Texas Order*") (emphasis added; internal quotation marks omitted). In any case, the Commission need not address Nextel's and Triton's claim. As explained, BellSouth is not refusing to carry any traffic, but rather desires to be compensated for that effort and to ensure that the CMRS providers' actions are consistent with state tariffs.

⁵ *See, e.g.*, Reply Comments of Triton PCS License Company, L.L.C., at 8, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92 (FCC filed Nov. 5, 2001) (urging approval of the "practice of separating the routing of a call exchanged under reciprocal compensation arrangements from the rating – pricing – of the call. This practice permits a CMRS provider to offer its customers local telephone numbers across its service territory, even though the CMRS carrier may have only a single switch."); Comments of Nextel Communications, Inc., at 10-15, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92 (FCC filed Aug. 21, 2001) (discussing a Missouri state commission decision affirming the right of third-party ILECs to file tariffs requiring compensation for terminating CMRS traffic delivered by an ILEC having direct interconnection with the CMRS provider, and clarifying that the direct-connected ILEC might have an "obligation to assist any small ILECs that requested it in blocking CMRS traffic for non-payment" (*id.* at 13)); Ex Parte Letter from Laura H. Phillips, Counsel for Nextel, Inc., to Maglie Roman Salas, Secretary, FCC, at 4-5 (FCC filed Oct. 2, 2001); *cf. Intercarrier Compensation NPRM* ¶ 91 n.148 ("[W]ireless carriers can elect to deliver CMRS-originated calls to a large ILEC (typically a Regional Bell Operating Company [RBOC]) for routing to the rural LEC carrier. . . . Increasingly, the large ILEC is unwilling to bill for the rural carrier, so rural LECs have begun to insist that the CMRS carrier deliver calls directly to the rural LEC's switch.").

⁶ Nextel has described such questions as presenting "thorny jurisdictional issues" based on the interplay between FCC and state commission authority over intercarrier

were not being addressed in other proceedings, the Commission should follow its prior practice and decline to resolve this novel dispute in a section 271 proceeding. Nextel and Triton in essence seek to have this Commission conduct an interconnection arbitration/interpretation proceeding within a 90-day section 271 proceeding. As the Commission has often explained, however, "there will inevitably be, at any given point in time, a variety of new and unresolved interpretive disputes about the precise content of an incumbent LEC's obligations to its competitors, disputes that our rules have not yet addressed and that do not involve per se violations of self-executing requirements of the Act." *Texas Order* ¶ 23; *see also, e.g., Rhode Island Order App. D* ¶ 4;⁷ *Massachusetts Order* ¶ 10.⁸

As with the issue of compensation associated with permitting a single point of interconnection, this question of a CMRS provider's responsibility for the financial consequences of its interconnection choices involves no alleged "per se violations of self-executing requirements of the Act." The 1996 Act leaves such disputes for resolution, not in a section 271 forum, but by negotiation or, if necessary, arbitration before the state commissions:

The 1996 Act authorizes the state commissions to resolve specific carrier-to-carrier disputes arising under the local competition provisions, and it authorizes the federal district courts to ensure that the results of the state arbitration process are consistent with federal law. Although we have an independent obligation to ensure compliance with the checklist, section 271 does not compel us to preempt the orderly disposition of intercarrier disputes by the state commissions.

Texas Order ¶ 383 (footnotes omitted); *see also, e.g., Rhode Island Order App. D* ¶ 22; *Massachusetts Order* ¶ 203.

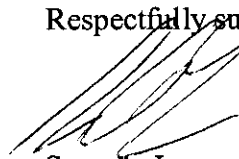
compensation. Reply Comments of Nextel Communications, Inc., at 6, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92 (FCC filed Nov. 5, 2001). Plainly, the Commission should not address those arguably "thorny" questions for the first time in a section 271 proceeding.

⁷ Memorandum Opinion and Order, *Application by Verizon New England Inc., et al., for Authorization to Provide In-Region, InterLATA Services in Rhode Island*, CC Docket No. 01-324, FCC 02-63, (rel. Feb. 22, 2002).

⁸ Memorandum Opinion and Order, *Application of Verizon New England Inc., et al., For Authorization to Provide In-Region, InterLATA Services in Massachusetts*, 16 FCC Rcd 8988 (2001).

That analysis is especially apt here because, as discussed above, Nextel's and Triton's claims raise significant legal questions under BellSouth's tariffs in Georgia and Louisiana. Where, as here, parties dispute the proper interpretation of state tariffs or other regulatory requirements, *see* Nextel Opp. Comments at 5-6; Triton Opp. Comments at 5, "the appropriate forum to challenge such [issues] is in the appropriate . . . state review of the specific tariff at issue." *Pennsylvania Order* ¶ 75 n.268. Accordingly, Nextel or Triton "may choose to address disputes, such as this one, arising out of its interconnection agreement with the [state] Commission." *Texas Order* ¶ 223 n.614; *see also id.* ¶ 329 ("the parties' entire dispute on the question of line splitting is a recent development and is subject to further negotiation and, if necessary, arbitration before the [state] Commission"). They should not be allowed, however, to inject this unresolved issue into this section 271 proceeding. "As the Commission has explained in prior orders, the section 271 process simply could not function as Congress intended if [the Commission] resolved all such disputes as a precondition to granting a section 271 application." *Massachusetts Order* ¶ 10; *see also Rhode Island Order App. D* ¶ 4.

Respectfully submitted,



Sean A. Lev

Attachments

cc: Renee Crittendon
Susan Pié
Cynthia Lewis
James Davis-Smith
Leon Bowles
Arnold Chauviere
Qualex

Attachment A



BellSouth Interconnection Services

675 West Peachtree Street
Atlanta, Georgia 30375

Carrier Notification

SN91082947

Date: March 20, 2002

To: All Telecommunications Carriers Operating In BellSouth Telecommunications Inc.
Service Areas

Subject: All Telecommunications Carriers – REVISION TO SN91082844: Activation of
NPA/NXX Codes with Rate Centers in Non-BellSouth Service Areas.

This is to advise that Carrier Notification Letter SN91082844, originally posted on January 30, 2002, has been revised.

Please refer the revised letter for details.

Sincerely,

ORIGINAL SIGNED BY JIM BRINKLEY

Jim Brinkley – Senior Director
BellSouth Interconnection Services

BellSouth Interconnection Services

675 West Peachtree Street
Atlanta, Georgia 30375

Carrier Notification**SN91082844**

Date: March 20, 2002

To: All Telecommunications Carriers Operating In BellSouth Telecommunications Inc.
Service Areas

Subject: All Telecommunications Carriers – REVISED: Activation of NPA/NXX Codes with
Rate Centers in Non-BellSouth Service Areas (Originally posted on January 30,
2002)

Increasingly, telecommunications carriers are requesting activation of NPA/NXX arrangements whereby routing of traffic is established within BellSouth service areas and rating of such traffic is established with a third-party telecommunications carrier's rate center service area. The third-party rate centers are for service areas outside of BellSouth's franchised service area in which BellSouth is licensed to provide service.

Routing of traffic to/from these NPA/NXXs, which are established with a third-party rate center, is such that calls from/to the Public Switched Telephone Network (PSTN) should route to/from the third-party rate center network upon which the call is rated. Issues arise when the following occur:

- Routing of traffic to these NPA/NXXs, which are established with a third-party rate center, results in calls from the Public Switched Telephone Network (PSTN) that never route to the third-party rate center network upon which the call is rated.
- Calls originating from these NPA/NXXs route over the BellSouth network for termination rather than routing over the third-party telecommunications carrier network, as they should.

Further, by this arrangement of establishing a rate center in the third-party's service area and a routing center in BellSouth, normal local and toll options, associated with landline end-user calls, will be rated in a manner inconsistent with the actual routing of the call. This arrangement places BellSouth and the third-party telecommunications carrier in the position of having to rate calls, based on tariffs for the third party, as though the calls have actually originated from or terminated to the third-party telecommunications carrier, which is contrary to current regulations and causes compensation inaccuracies between the involved carriers.

BellSouth does not agree with establishment of this arrangement, as to do so causes BellSouth and/or the third-party telecommunications carrier to improperly calculate inter-carrier compensation and to violate state commission regulations under which they operate. Review of the guidelines provided by NeuStar, which manages the national code administration system function, shows that applications of rating and routing centers must meet all regulatory requirements.

If this arrangement is utilized, BellSouth will process the code memorandum request, while at the same time raising the issue with the appropriate state commission for determination.

Please contact your BellSouth account team representative with any questions.

Sincerely,

ORIGINAL SIGNED BY JIM BRINKLEY

Jim Brinkley – Senior Director
BellSouth Interconnection Services

Attachment B

BELLSOUTH
TELECOMMUNICATIONS, INC.
GEORGIA
ISSUED: December 20, 1996
BY: President - Georgia
Atlanta, Georgia

GENERAL SUBSCRIBER SERVICE TARIFF

First Revised Page 5
Cancels Original Page 5

EFFECTIVE: January 19, 1997

A35. INTERCONNECTION OF MOBILE SERVICES

A35.1 Interconnection Services for Mobile Service Providers (MSPs) (Cont'd)

A35.1.1 General (Cont'd)

M. Optional Selective Exchange LTM Calling Plan (Cont'd)

1. This optional plan is available to the MSPs. It allows IntraLATA toll calls and expanded Local Calling Area calls from telephone numbers in the selected exchanges served by the Company and terminating in the MSP network to be excluded from the originating customer's bill. The exchanges served by the Company and the expanded Local Calling Areas are listed in A3.6 of this Tariff. Land line calls rated as local and within the basic Local Calling Area, as described in A3.6 of this Tariff, are not covered by this plan. The MSP will pay the charges set forth in A35.1.6.C.4. of this Tariff in lieu of charges which would have been applicable to the originating user.
2. This plan is provided on an exchange-by-exchange basis within the Company's service territory and requires that an MSP dedicate an entire NXX for this option. Once the plan is implemented, the addition of new exchanges or deletion of existing exchanges shall not occur prior to one month after that implementation.
3. The Optional Selective Exchange LTM calling plan usage rate is the same as the Optional LTM calling plan usage rate. A minimum charge per call of \$.013 is also applicable.

N. Usage Charges - Miscellaneous

1. When the Company relies on data supplied by the MSP to prepare and render a bill to the MSP, a right of audit by the Company is reserved. The audit of the call records shall be performed by an independent third party at the Company's discretion, but no more than annually. If the reported traffic is found to be understated by more than five percent, the MSP shall reimburse the Company for the reasonable cost of the audit.
2. All usage charges are billed by accumulating call holding times (defined as the time between answer and disconnect), the exact value of the fraction being a function of the switch technology where the measurement is made, over the billing period and then rounding up to the nearest minute. The total holding time is then multiplied by the appropriate rate per minute, and rounded to the nearest cent. A minimum charge per call is applicable for optional LTM as specified in L.3. and M.3. preceding.
3. In cases where the Company cannot measure usage, the MSP will be required to provide local and toll or LATA-wide usage monthly depending on the type of mobile originated usage plan the MSP has at the point of termination. The usage should be provided in a Company prescribed format, thirty (30) calendar days from the close of the billing period, to be used for bill preparation. Upon request, the Company will work with an MSP to allow an average monthly usage to be provided quarterly.

In cases where the MSP cannot measure usage but can supply the number of messages, the Company will apply a per message rate equal to 2.0 minutes times the applicable usage rate per minute. The MSP may report the number of local and toll messages separately, or the Company and the MSP will jointly develop an assumed split of local and toll messages, if required.

O. Assignment of Numbers and NXX Codes

1. The Company, presently acting as the individual Numbering Plan Area (NPA) administrator for the North American Numbering Plan (NANP), may make changes in NPA and NXX assignments, pursuant to the provisions and requirements of the NANP.
2. The Company will provide adequate notice to the MSP if changes are required to NPA/NXX codes assigned to the MSP. If at all possible, the MSP will be provided twelve months notice in advance of the NPA/NXX code change.
3. Assignment of NXX codes is subject to code administration measures as outlined in Bellcore SR-TSV-002275, or superseding documents. Assignment of NXX codes may be based on utilization levels of number allocations for existing service or on projected market forecasts for new service. With respect to requests for additional numbers to be used with existing services, the MSP should typically demonstrate a seventy percent utilization level of existing number resources prior to receiving an additional allocation of numbers. The MSPs forecasted needs should cover a three to five year period.
4. The MSP may order less than a full NXX code for *BellSouth CMRS* Type 1 interconnection and *BellSouth CMRS Local Loop Trunks*.

(T)

BELLSOUTH
TELECOMMUNICATIONS, INC.
GEORGIA
ISSUED: June 1, 1998
BY: President - Georgia
Atlanta, Georgia

GENERAL SUBSCRIBER SERVICE TARIFF

Fifth Revised Page 6
Cancels Fourth Revised Page 6

EFFECTIVE: July 1, 1998

A35. INTERCONNECTION OF MOBILE SERVICES**A35.1 Interconnection Services for Mobile Service Providers (MSPs) (Cont'd)****A35.1.1 General (Cont'd)****O. Assignment of Numbers and NXX Codes (Cont'd)**

5. When a new dedicated NXX is assigned, if the NXX will reside at the MSP's Point of Presence (POP), at least one number from that NXX must terminate in a milliwatt test line (Technical Reference: ANSI T1.207-1989), to be used for test purposes. When a dedicated NXX is assigned for BellSouth CMRS Type 1 service, and BellSouth CMRS Local Loop Trunks, then the NXX resides in the Company end office, in which case the Company will terminate a MSP selected number in a milliwatt test line.
6. The MSP will provide the Company with both the name of the desired designated exchange and the V&H coordinates for each dedicated NXX established with a BellSouth CMRS Type 2A/BellSouth CMRS Type 2A-SS7 interconnection. If the desired designated exchange for the dedicated NXX is different than the exchange where the BellSouth CMRS Type 2A/BellSouth CMRS Type 2A-SS7 interconnection exists, it is called a virtual designated exchange. A virtual designated exchange is only allowed when the chosen designated exchange meets the following criteria:
 - a. Is a company exchange
 - b. Is in the same LATA as the MSP's point of interconnection
 - c. Is billed from the same Regional Accounting Office (RAO) as the MSP's interconnection
 - d. Is located within the NPA's geographic area
 - e. Is in a different local calling area than the exchange where the MSP's interconnection exists.

Additionally, a virtual designated exchange is available only when the MSP subscribes to the LATA-wide mobile originated usage rate plan. Once ordered, the chosen designated exchange cannot be changed for six months after implementation.

7. The MSP may move an existing dedicated NXX that resides in a Company end office to the MSP's Point of Presence (POP) within the same LATA. A BellSouth CMRS Type 2A/BellSouth CMRS Type 2A-SS7 interconnection must exist at the POP. Both locations must be served by the same tandem.

P. MSP Selective Class of Call Screening

1. MSP Selective Class of Call Screening (SCCS) is an optional service available with BellSouth CMRS Local Loop Lines, BellSouth CMRS Local Loop Trunks and BellSouth CMRS Type 1 Service.
2. MSP SCCS is offered with two options.

Option 1 - Provides 0+ and 0- screening capability to force alternate billing and provides central office blocking of 1+ 101XXXX 1+, 976 and 900 calls. (C)

Option 2 - Provides 0+ and 0- screening capability to force alternate billing but allows 1+ and 101XXXX 1+ calls. 976 and 900 calls are blocked. (C)
3. Subscribing to MSP SCCS only relieves the MSP of responsibility for charges associated with intraLATA calls made by subscribers using the Company's toll services.
4. When option 2 is selected, the MSP assumes responsibility for all sent-paid intraLATA toll charges.
5. All local (7-digit dialed) calls and calls to Company numbers such as repair service, Directory Assistance and public emergency service numbers, such as 911, will be permitted.
6. MSP SCCS will be established only where operator identification is provided through the use of automated equipment arranged to furnish this service.
7. This service is available only from central offices which have been arranged to provide the service. The service is provided subject to the availability of facilities. This service is not compatible with all service offerings.

Attachment C

BELLSOUTH
TELECOMMUNICATIONS, INC.
LOUISIANA
ISSUED: December 6, 1996
BY: President - Louisiana
New Orleans, Louisiana

GENERAL SUBSCRIBER SERVICES TARIFF

Sixth Revised Page 4
Cancels Fifth Revised Page 4

EFFECTIVE: January 5, 1997

A35. INTERCONNECTION OF MOBILE SERVICES**A35.1 Interconnection Services for Mobile Service Providers (MSPs) (Cont'd)****A35.1.1 General (Cont'd)****L. Usage Charges - Miscellaneous (Cont'd)**

2. All usage charges are billed by accumulating call holding times (defined as the time between answer and disconnect), the exact value of the fraction being a function of the switch technology where the measurement is made, over the billing period and then rounding up to the nearest minute. The total holding time is then multiplied by the appropriate rate per minute, and rounded to the nearest cent. An MATR is applicable for optional LTM and optional Selective Exchange LTM as specified in I.4. and J.3. preceding.
3. In cases where the Company cannot measure usage, the MSP will be required to provide local and toll or LATA-wide usage monthly depending on the type of mobile originated usage plan the MSP has at the point of termination. The usage should be provided in a Company prescribed format, thirty (30) calendar days from the close of the billing period, to be used for bill preparation. Upon request, the Company will work with an MSP to allow an average monthly usage to be provided quarterly.

In cases where the MSP cannot measure usage but can supply the number of messages, the Company will apply a per message rate equal to 2.1 minutes times the applicable usage rate per minute. The MSP may report the number of local and toll messages separately, or the Company and the MSP will jointly develop an assumed split of local and toll messages, if required.

In cases where neither the Company nor the MSP can measure, an assumed number of 2,286 messages per trunk per month at 2.1 minutes per message will be used for billing purposes.

M. Assignment of Numbers and NXX Codes

1. The Company, presently acting as the individual Numbering Plan Area (NPA) administrator for the North American Numbering Plan (NANP), may make changes in NPA and NXX assignments, pursuant to the provisions and requirements of the NANP.
2. The Company will provide adequate notice to the MSP if changes are required to NPA/NXX codes assigned to the MSP. Such notice to the MSP will be provided not less than twelve months in advance of the NPA/NXX code change.
3. Assignment of NXX codes is subject to code administration measures as outlined in Bellcore SR-TSV-002275, or superseding documents. Assignment of NXX codes may be based on utilization levels of number allocations for existing service or on projected market forecasts for new service. With respect to requests for additional numbers to be used with existing services, the MSP should typically demonstrate a seventy percent utilization level of existing number resources prior to receiving an additional allocation of numbers. The MSPs forecasted needs should cover a three to five year period.

For a trial period of twelve months beginning with the effective date of this Tariff, the assignment of NXX codes to MSPs for use in conjunction with new services provided by MSPs will not be based on utilization levels of previously allocated numbers. Within fourteen days of the receipt of a request, the Company will notify the MSP of the availability of the NXX code, and, if the code is available, the Company will identify the code that will be assigned. Within thirty days of the receipt of a request, appropriate notification will be made to Bellcore by the Company pursuant to industry standards.

4. The MSP may order less than a full NXX code for **BellSouth CMRS** Type 1 interconnection and **BellSouth CMRS Local Loop Trunks**. (T)
5. The MSP will provide the Company with both the name of the desired designated exchange and the V&H coordinates for each dedicated NXX established with a **BellSouth CMRS** Type 2A/**BellSouth CMRS** Type 2A-SS7 interconnection. If the desired designated exchange for the dedicated NXX is different than the exchange where the **BellSouth CMRS** Type 2A/**BellSouth CMRS** Type 2A-SS7 interconnection exists, it is called a virtual designated exchange. A virtual designated exchange is only allowed when the chosen designated exchange meets the following criteria: (T)
 - a. Is a company exchange.
 - b. Is in the same LATA as the MSP's point of interconnection.
 - c. Is billed from the same Regional Accounting Office (RAO) as the MSP's interconnection.
 - d. Is located within the NPA's geographic area.
 - e. Is in a different local calling area than the exchange where the MSP's interconnection exists.

Once ordered, the chosen designated exchange cannot be changed for six months after implementation.

BELLSOUTH
TELECOMMUNICATIONS, INC.
LOUISIANA
ISSUED: December 6, 1996
BY: President - Louisiana
New Orleans, Louisiana

GENERAL SUBSCRIBER SERVICES TARIFF

Second Revised Page 4.1
Cancels First Revised Page 4.1

EFFECTIVE: January 5, 1997

A35. INTERCONNECTION OF MOBILE SERVICES**A35.1 Interconnection Services for Mobile Service Providers (MSPs) (Cont'd)****A35.1.1 General (Cont'd)****M. Assignment of Numbers and NXX Codes (Cont'd)**

6. The MSP may move an existing dedicated NXX that resides in a Company end office to the MSP's Point of Presence (POP) within the same LATA. A *BellSouth CMRS* Type 2A/*BellSouth CMRS* Type 2A-SS7 interconnection must exist at the POP. (T)
7. When a new dedicated NXX is assigned, if the NXX will reside at the MSP's Point of Presence (POP), at least one number from that NXX must terminate in a milliwatt test line (Technical Reference: ANSI T1.207-1989), to be used for test purposes. When a dedicated NXX is assigned for *BellSouth CMRS* Type 1 service, and *BellSouth CMRS Local Loop Trunks*, then the NXX resides in the Company end office, in which case the Company will terminate a MSP selected number in a milliwatt test line. (T)